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Crl. O.P. No.11967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11967 of 2025

Malathi W/o. Ramesh

... Petitioner / Accused No.5

Vs.

The State represented by:

The Inspector of Police,
Veppur Police Station,
Cuddalore District.
(Crime No.105 of 2025).

... Respondent

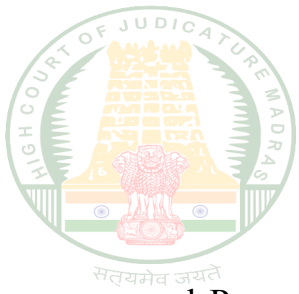
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.105 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.U. Pressanna

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 28.03.2025, seeking bail in Crime No.105 of 2025 registered for the offences under Sections 318(2), 318(4) of B.N.S. read with Section 23(1) Pre-natal Diagnostic Techniques (Regulation

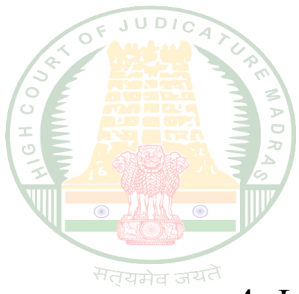


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and Prevention of Misuse) Act 1994 altered into Sections 318(2) of B.N.S. and Section 25 read with 3(3) of PCPNDT Act 1994, Section 25 read with Section 6(b) of PCPNDT Act 1994, Section 25 read with 6(c) of PCPNDT Act 1994 and Section 27(b)(ii) Drug and Cosmetics Act 1940 and Sections 5(2), 5(3) of Medical Termination of Pregnancy Act 2003 read with Section 5 of Medical Termination of Pregnancy Act, 2003.

2. The case of the prosecution is that the petitioner along with other accused was indulging in diagnosing the sex of the foetus in the womb and disclosed the same to a pregnant woman; that the medical instruments like scan machine, scan kit, cell phone and cash of Rs.6,000/- were seized from the accused and thus committed aforesaid offences.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that she has been falsely implicated in this case; that the petitioner is in custody from 28.03.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the the medical instruments, said to have been used for committing the offences, were seized and the petitioner has no bad antecedents.

5. Considering the aforesaid facts, nature of allegations, period of incarceration, the fact that the machines and other objects were seized, the petitioner has no bad antecedents and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate-I, Virudhachalam** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.04.2025

mjs

To

1. The Judicial Magistrate-I, Virudhachalam.
2. The Inspector of Police, Veppur Police Station, Cuddalore District.
3. The Superintendent of Police, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.
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